

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF LIVONIA EMPLOYEES' RETIREMENT:

SYSTEM, On Behalf of Itself and All Others :

Similarly Situated, :

Plaintiffs, :

vs. :

WYETH, ROBERT ESSNER, JOSEPH MAHADY, :

KENNETH MARTIN, BERNARD POUSSOT, :

ROBERT RUFFOLO, JR. and GINGER :

CONSTANTINE, :

Defendants. :

Civil Action No. 07 CV 10329 (RJS)

: **NOTICE OF DEFENDANTS'**

: **MOTION TO DISMISS THE**

: **CONSOLIDATED CLASS ACTION**

: **COMPLAINT**

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PLEASE TAKE NOTICE THAT, upon the memorandum of law dated June 10, 2008, the annexed Affidavit of Michael J. Chepiga, Esq., sworn to on June 10, 2008, and the exhibits attached thereto, Defendants Wyeth, Robert Essner, Joseph Mahady, Kenneth Martin, Bernard Poussot, Robert Ruffolo, Jr., M.D., and Ginger Constantine, M.D., by their attorneys, Simpson Thacher & Bartlett LLP, hereby move this Court for an order dismissing the Consolidated Complaint for Violations of the Federal Securities Laws with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*

Dated: New York, New York
June 10, 2008

SIMPSON THACHER & BARTLETT LLP

By: /s/ Michael J. Chepiga

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